



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

## MEMORANDUM

DATE: October 5, 2006

TO: Chief Circuit Court Judges  
cc: Presiding Family Division Judges  
Circuit Court Administrators  
Family Division Administrators

FROM: Nial Raaen, Director

RE: SCAO Administrative Memorandum 2006-06  
Termination of Parental Rights – Procedure Under MCR 3.977(I)  
Supercedes SCAO Administrative Memorandum 2004-02

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The following is information to aid courts in the processing of claims for appeal and requests for appointment of counsel after termination of parental rights. The affected forms, JC 84 (*Claim of Appeal and Order Appointing Appellate Counsel*) and JC 44 (*Advice of Rights After Order Terminating Parental Rights*) were distributed to the courts on March 19, 2004, and can also be found at <http://courts.mi.gov/scao/courtforms/juvenile/juvindex.htm>.

### Procedure Under MCR 3.977(I)

- Beginning May 1, 2004, requests for appellate counsel must be made within 14 days after notice of the order is given or an order is entered denying a timely filed postjudgment motion. Previously, the requests could be made within 21 days. Note that the amended rule deleted the provision that permitted the appointment of counsel where the request was untimely.
- If a request is timely filed and the court finds that the respondent is financially unable to provide an attorney, the court must enter an order of appointment within 14 days after the request is made.
- The chief judge of the court bears primary responsibility for ensuring that the appointment is made within the 14-day deadline.
- The order of appointment is to be made by the trial court on form JC 84, titled *Claim of Appeal and Order Appointing Appellate Counsel*, which also requires that the following information be provided by the trial court:

- Names of the children who are affected by the appeal.
- Name and address of petitioner.
- Name of one respondent per appeal.
- Date of order terminating parental rights.
- Date of request for the appointment of attorney.
- Name and contact information of attorney appointed to represent the named respondent.
- Transcript production information.

Transcript information is used by the Court of Appeals to track the production of all transcripts that are ordered for appeal. If the order is complete and accurate as to court reporter name, R-number, and dates of proceedings, the appeal can proceed as quickly as possible to final disposition.

- MCR 3.977(I)(1)(b) directs the trial court to furnish the attorney with “the portions of the transcript and record the attorney requires to appeal.”
- It is anticipated that the trial court will order the transcripts; there is no need or provision for consulting with appointed counsel before completing the initial transcript order on form JC84. Appointed counsel should request any additional transcripts in a reasonable and timely manner.
- Following is a listing of all possible transcripts that may be ordered for appeal if such proceedings were held in a given case:
  - Plea hearing, MCR 3.971.
  - Trial, MCR 3.972.
  - Dispositional hearing, MCR 3.973.
  - Dispositional review hearing, MCR 3.975.
  - Permanency planning hearing, MCR 3.976.
  - Termination hearing, MCR 3.977.
- Once the form is completed, it is to be distributed as directed in the NOTE TO COURT at the bottom of the form. The original and the proof of service should be sent to:

Court of Appeals  
Michigan Hall of Justice  
925 West Ottawa Street, P.O. Box 30022  
Lansing MI 48909-7522

Questions about the *Claim of Appeal* (Form JC 84) may be addressed to:

Sandra Mengel  
Chief Clerk  
Court of Appeals  
925 West Ottawa Street, P.O. Box 30022  
Lansing MI 48909-7522  
smengel@courts.mi.gov  
(517) 373-2252